



Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING OBJECTION OF USACM TRUST TO STANLEY PACZOSA CLAIM FILED IN WRONG DEBTOR'S CASE; AND SUSTAINING OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.



1 The Court having considered the “Objection of USACM Trust to Stanley Paczosa
 2 Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of
 3 Claim” [Docket No. 4682] (the “Objection”); with appearances as set forth in the record at
 4 the hearing noted above; appropriate notice of the Objection having been given; no
 5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;

8 2. Proof of Claim No. 10725-01222 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”);
 10 and

11 3. Stanley Paczosa’s equity interest in DTDF is allowed in the amount of
 12 \$72,070.98, as reflected in DTDF’s books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

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1 **RULE 9021 DECLARATION**

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of LR 9021.
4 I have delivered a copy of the proposed order to the Office of the United States
5 Trustee and the parties who filed papers in response to the Objection or appeared at
6 the hearing noted above, and each has:
7 approved the form of this order; and/or
8 waived the right to review the order; and/or
9 failed to file and serve papers in accordance with LR 9021(c); and
10 the following have disapproved the form of the order:
11 n/a
12 No opposition was filed to the objection and no other party or counsel appeared at
13 the hearing.

14 **LEWIS AND ROCA, LLP**

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